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1974

SPECIAL EDUCATION HANDBOOK  
(Supplement)

JAN 7 1975

STATE DOCUMENT

PROGRAM PROCEDURES AND GUIDELINES  
FOR THE  
EDUCATIONALLY HANDICAPPED

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## Section I. INTRODUCTION

### A. Handbook Supplement.

This document is a supplement to the 1973 Special Education Handbook and should be used in conjunction with the aforementioned Handbook. By the Fall of 1975, these two documents will be combined in a revised Special Education Handbook.

### B. Policy Statement.

The Board of Public Education's policy statement regarding special education services is cited below.

"In accordance with the provisions of Chapter 78 of Title 75, R.C.M., 1947, this Board of [Public] Education policy, as recommended by the Superintendent of Public Instruction requires a planned and coordinated program of special education in the state.

The special education program operating in Montana shall provide opportunities for comprehensive services to handicapped children and youth. The program, supervised and coordinated by the Superintendent of Public Instruction shall be developed in cooperation with school district personnel and others from the educational community. The program shall incorporate the many educational arrangements which can be designed to integrate young handicapped persons, whenever possible, into the regular educational program and eventually into the mainstream of society. The program shall assure that careful and systematic procedures are used to identify and diagnose young handicapped persons. Finally, the special education program shall include measures to assure fiscal accountability of funds provided for the operation of special education.

Consistent with Section 1 of Article X of the Montana Constitution adopted in 1972, the Board of [Public] Education maintains that the special education program shall assist many handicapped children and youth in developing their maximum educational and social potential. In addition, the Board of [Public] Education encourages special education programs that enable handicapped youth to become partially or completely self-sufficient in our increasingly complex society. It is the intent of the Board of [Public] Education in adopting this policy that young handicapped persons will be given opportunities to become contributing, confident, dignified and self-reliant human beings. This Board of [Public] Education policy is based on the premise that the right of a young handicapped person to the special education he needs is as basic to him as the right of any other young citizen to an appropriate education in the schools of Montana."

### C. Legal Definition.

The educationally handicapped are defined in Section 75-7801 of the Revised Codes of Montana 1947, as amended by the Second Regular Session of the Forty-third Legislative Assembly of the State of Montana. This definition is cited below.

"An 'educationally handicapped person' means a child or young adult under the age of twenty-one (21) years who requires special assistance to the extent that he cannot reasonably profit from the regular education program. An educationally handicapped person's learning disorders include, but are not limited to, conditions which have been referred to as visual perception handicaps, brain injury, minimal brain

dysfunction, dyslexia, behavioral maladjustment and emotional disturbances. An educationally handicapped person's disorders are not the results of problems with visual acuity, hearing impairment, physical handicaps, cultural or instructional factors and mental retardation."

The trustees of a school district should be mindful of the following statutory provisions when establishing services for special education:

1. Discretionary. As of July 1, 1974, trustees of any district may establish and maintain special education services for handicapped persons, as defined by law, between the ages of six (6) and twenty-one (21). Services for children from birth through six (6) and twenty-one (21) through twenty-five (25) need special approval from the Superintendent of Public Instruction. Section 75-7806, R.C.M. 1947.
2. Mandatory. After July 1, 1979, the trustees of every school district must provide or establish and maintain special education services for handicapped persons, as defined by law, between the ages of six (6) and twenty-one (21). Section 75-7805, R.C.M. 1947. If a school district maintains a kindergarten program, then the school district must provide special education services for children beginning at age five (5).

Many students excused, expelled or excluded from school may qualify for and be in need of special education services. School districts are encouraged to consult the Superintendent of Public Instruction for assistance in planning for students excused, expelled or excluded who may require special education assistance.

#### D. Rationale for Service.

Services for the educationally handicapped, like all special education services, should be regarded as a supportive system designed to complement the regular education program rather than being isolated from the regular educational process. Equal opportunity to an education does not mean identical programs for all individuals; rather it relies on the use of special methodologies and strategies as required to realize full educational potential of the individual. The educationally handicapped may require special professionals, unique curriculum content, alternative procedures and materials to develop this full potential and equality of educational opportunity. The equality of an individual's educational opportunity is determined by individual need rather than categorical classification.

### Section II. RESPONSIBILITY TO HANDICAPPED CHILDREN

All children have the right to an appropriate educational program and the parents are responsible as guardians of their children's rights. To ensure the rights of all children to an appropriate education, parents will be involved in any major change from the regular educational process. School districts should begin immediately to ensure the parental involvement in compliance with the numerous court decisions advocating the educational rights of handicapped children.

A. Parental Approval for Placing a Child in a Special Education Program.

As of September 1, 1974, parents must be notified whenever a child's educational process is altered from that of a regular student to that of an individual receiving special education services. Before a student may be placed in a special education program of any kind, the parents must sign a form stating that they understand the adjustment to special education and concur that such an adjustment is in the best interest of their child. The child should also be informed of and understand, if capable, the educational change. A school district may place a child in a special education program without the concurrence of the parents, if before placement the parents are notified in writing of appeal procedures. The appeal procedure is specified in Section 75-5811, R.C.M. 1947.

B. Parental Approval for Psychological and Personality Testing.

Specialists may observe a child within the regular school environment and do routine screening including behavioral assessments without obtaining parental approval. Parents have the right to refuse the use of standardized, individual psychological and personality tests for their child. (e.g. Weschler Preschool and Primary Scale of Intelligence, Weschler Intelligence Scale for Children, Weschler Adult Intelligence Scale, Stanford-Binet Intelligence Scale, Children's Apperception Test, Thematic Apperception Test, Rorschach, Minnesota Multiphasic Personality Inventory). School personnel must obtain written permission before such tests are administered.

C. School Records.

Parents have the right to be given an interpretation of psychological and personality tests; also, they have the right to inspect their child's school records and test profiles. When such a request is made by parents, school officials have the responsibility to set an appointment for such an interpretation and inspection within a reasonable time after such a request. The school district is obligated to provide personnel qualified to make test interpretations and to assist parents in the inspection of records and test profiles. When test profiles and reports are no longer necessary for the educational needs of the individual, such material should be removed from the individual's file and destroyed.

Section III PROGRAMS FOR EDUCATIONALLY HANDICAPPED

A. Program Parameters.

Generally not more than three percent (3%)<sup>1</sup> of a school district's school age population may be served by the educationally handicapped program. Programs for the educationally handicapped may serve over three percent (3%) of the school district population when:

<sup>1</sup> "Estimates of the Number of Children Served/Unserved in 1971-72," Fiscal Year Projected Activities. Washington, D.C. Bureau of Education for the Handicapped/U.S. Office of Education, 1971.

1. increased number of students served all meet the criteria for educationally handicapped;
2. approval is obtained from the Superintendent of Public Instruction.

Services of the educationally handicapped, like all special education services are not to conflict with the regular instructional program and existing remedial services. The program for the educationally handicapped has a primary responsibility for providing instruction and services to meet the educational needs of the most seriously handicapped, while the regular program of instruction has the responsibility to provide the kinds of individualized instruction needed to meet the needs of mildly handicapped students.

#### B. Labeling Students.

The program for the educationally handicapped assumes that students falling within this broad class will manifest a wide range of special needs that can be met only through individual diagnosis and carefully individualized programming. School districts should not label students, teachers or rooms by medical and special education terms as such labeling practices do not facilitate treatment and are often harmful to the individual labeled.

#### C. Student Selection Procedures.

Carefully designed referral, pre-entry screening, psychoeducational evaluation, behavioral assessment, and parent involvement processes will provide the necessary information upon which to make a decision that a child is educationally handicapped and needs special services.

Since conditions which cause a child to be educationally handicapped can have the effect of depressing or distorting standardized intelligence and achievement test scores, specification of scores or characteristics does not serve, in and of itself, as a valid criterion in determining a child's need for services. Therefore, a child study team, consisting of the regular classroom teacher, principal, teacher of the educationally handicapped and psychoeducational specialists,<sup>2</sup> should determine:

1. learning, emotional, social, and/or behavioral problems so dysfunctional as to interfere seriously with the child's own school progress or the educational rights of other children and which require attention and help beyond the scope of the regular instructional program; and
2. sufficient sensory acuity, motor skill and general mental ability to make educational placement as a mentally retarded, hearing, vision, or motor impaired child unjustified.

Utilization of other expertise, in addition to members of a child study team, is recommended and necessary in many instances. The medical history taken by the school nurse or other school personnel may necessitate involvement of medical specialties in some cases. No child will be provided educationally handicapped services until the child study team has performed a comprehensive educational and behavioral assessment which yields evidence that the child has learning and/or

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<sup>2</sup> Psychoeducational specialists refer to the school psychologists, speech pathologists, and may in some cases refer to the resource teachers from the regional teams.



behavioral problems that require a specialized system of skill presentation and/or management afforded by the educationally handicapped program. The parent must be an integral part of the decision to adjust the student's program. A record of the members of the child study team must be recorded in the child's folder.

Temporarily, placement decisions may be made by the regular classroom teacher, principal, teacher of the educationally handicapped and parent in school districts where psychoeducational specialists are unavailable from within the district or through the regional teams.

D. Development of Specific Behavioral Objectives.

Services directly provided for a child via a program for the educationally handicapped shall begin only when specific behavioral objectives are developed based on the specific needs of the child and a specialized program is designed that specifies the procedures, content and staff responsibility for the identified objectives. This procedure is a child study team responsibility. Measurement or evaluation of the student's performance shall be in accord with the behavioral objectives developed for each child. Criteria for termination of the program for each educationally handicapped child shall be set prior to admission and in accord with the behavioral objectives. Behavioral data should be collected both prior to and during the special program to support the appropriateness of the educational and behavioral strategies. The technique or method of behavioral assessment, data recording and ongoing measurement are left to professional discretion.

E. Duration of Placement.

A child may not receive services under the educationally handicapped program for more than one school year without a complete re-evaluation, re-development of behaviorally stated educational objectives, and signed approval by parents. Need for continuing services should be based on that child's performance within the regular classroom. The child's performance within the regular classroom should be considered prior to resource help outside the regular classroom. If needed, intervention strategies should be determined during the first month of school while the child is in the regular class.

Short term placement (four week maximum) might be desirable for diagnostic teaching and/or trial therapy. Parental approval in addition to evaluation by the child study team are required for short term placement. Extensive behavioral objectives are not required.

F. Program Evaluation.

Each school is responsible for establishing an evaluation system for its special education program. The general objectives of each special education program unit should be evaluated by the measurable growth made by students within those program units. The evaluation report must be submitted to the Superintendent of Public Instruction by June 20, following completion of the school year. For assistance in developing an evaluation procedure a school district may call upon the Office of the Superintendent of Public Instruction.

#### Section IV. KINDS OF EDUCATIONALLY HANDICAPPED SERVICES

Individual assistance for a child should be accomplished through the utilization of the least restrictive educational alternative. To meet the needs of each handicapped child, districts should afford children access to a variety of instructional and service options. (See Appendix A.) Every district cannot be expected to have the necessary resources to develop all the various kinds of service required. Districts are encouraged to develop as many services as are necessary to meet the needs of handicapped children in the district and as the availability of qualified staff permits. Small school districts with minimal numbers of handicapped students will undoubtedly seek to coordinate with nearby districts and regional resources to provide needed services.

##### A. Resource Instruction and Services.

The resource service suggests that a teacher be available to provide direct service to children from the regular instructional program on an individual or small group basis throughout the school day. This service may be accomplished best within the regular classroom. A child should not be removed from the regular classroom to a resource room unless it is essential to meet a specific need of a child. In keeping with the concept of the least restrictive alternative, as much service as possible should be provided by the resource teacher within the regular classroom. Secondly, and equally important, the resource teacher is responsible for ongoing consultation and communication with the child's regular classroom teacher(s) regarding specific needs and recommendations of material, instructional procedures, and information for parent conferences. The resource teacher of the educationally handicapped and the regular instructional staff should frequently and systematically coordinate their efforts and expertise. The teacher of the educationally handicapped assigned to a resource program should address to the following responsibilities:

- assisting in the child study process
  - participating in team planning
  - assisting in the interpretation of assessment finding into educational and behavioral objectives
  - planning strategies and preparing materials (may be utilized in the regular classroom or in a resource room)
  - providing direct instruction and services
  - keeping daily records of progress
  - conferring with parents and regular teacher(s)
  - follow-up on children who have been phased out of educationally handicapped programs to determine their progress in the regular program.
1. Program size. Number of children served by a resource teacher should be determined by the needs of the children involved in the program and not a preconceived notion of an ideal number for all programs. The child study team should determine the number of children in a given resource unit.
  2. Facilities. A resource teacher of the educationally handicapped should be provided space and equipment needed to perform the necessary functions.

licensed and/or the procedure by which a home can become licensed. Payment schedules should follow the rates set by Social and Rehabilitation Services Division. Any deviation from that schedule should be based on severity of handicap and must receive concurrence from Social and Rehabilitation Services and approval from the Superintendent of Public Instruction.

When a child is handicapped to such a degree that a total controlled environment is needed, residential placement may be in order. Room and board, and tuition costs are considered allowable costs in the district's special education budget.<sup>4</sup>

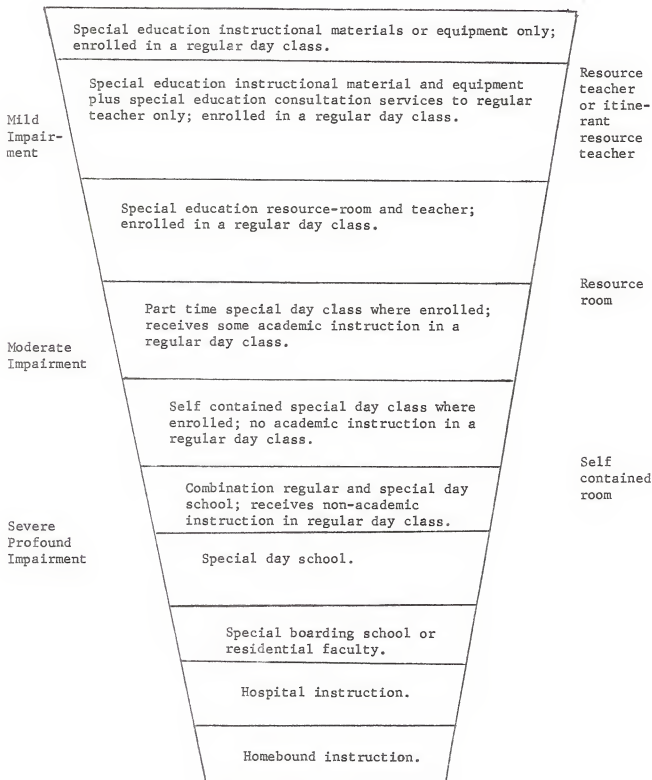
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<sup>4</sup>The public school is only responsible for room and board and the educational kinds of costs. Other services such as psychiatric therapy and/or medical assistance must be deleted from the special education costs and borne by parents and/or other agencies.



# APPENDIX

## A CASCADE MODEL OF SERVICE ALTERNATIVES IN SPECIAL EDUCATION PROGRAMMING



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